

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANGELO FEARS	:	CASE NO: 1:01-CV-183
Petitioner	:	Chief Judge Walter H. Rice
- vs -	:	Magistrate Judge Michael R. Merz
MARGARET BAGLEY, WARDEN	:	<u>MOTION FOR</u>
Respondent	:	<u>EXTENSION OF</u>
	:	<u>TIME TO FILE OBJECTIONS</u>
	:	

Comes now the Petitioner, and moves this court for an order permitting him additional time until January 29, 2007 to file his objections to the Supplemental Report and Recommendations (Doc. 124) filed in the United States District Court on October 10, 2006, all for the reasons more fully set forth herein.

MEMORANDUM IN SUPPORT

Co-Counsel Prucha was substituted in this case after the evidentiary hearing and requires additional time to review numerous boxes of documents to prepare the objections to the Supplemental Report and Recommendations. It is also believed that she must include the initial objections that were done by Attorney Greger so as not to waive any of the grounds for relief.

Pursuant to Loc. R. 7.3(a), Counsel for Petitioner called Mr. Stephen Maher, Assistant Ohio Attorney General, in an effort to seek his consent to the extension. Mr. Maher, indicated that he anticipated the call and spoke with his supervisor who refused to permit an extension and thus Mr. Maher could not consent to the requested extension.

For all the foregoing reasons, Petitioner prays the court extend the objection deadline from the presently-set deadline of October 27, 2006 to and including the close of business on January 29, 2007 so that co-counsel Prucha can be brought up to speed in an effort to perfect the objections to the original Report and Recommendation and to the Supplemental Report and Recommendation so that District Judge Rice has all objections properly before him.

Respectfully submitted:

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s/Lawrence J. Greger _____
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was electronically served on Stephen Maher, Assistant United States Attorney.

s/Lawrence J. Greger _____
Lawrence J. Greger